

COMMISSIONERS PROCEEDINGS  
JUNE 2, 2004  
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners STANTON, PRIDEMORE, and MORRIS, Chair, present.

PUBLIC HEARING: HOME BUSINESS ORDINANCE

Held a public hearing to consider the adoption of a new home business ordinance to replace Clark County Code 40.260.100. Hearing continued from May 24, 2004 and June 1, 2004.

[Please note: this was typed verbatim with the exception of any “uh, um” type terms and when the same word is repeated several times as in a false start sentence.]

MORRIS: I will call to order this continued hearing of the Clark County Board of Commissioners on proposed revisions to an existing home occupation ordinance. Would you join me please in the Pledge of Allegiance?

[PLEDGE OF ALLEGIANCE]

MORRIS: Okay, yesterday we went for three hours and we made some suggestive changes in the proposal in front of us. We did not take public testimony and at this point in time, at least, the board will continue our internal discussions. Gordy, do you want just run through the changes that you have sent to us that we came to conclusion on yesterday, or at least tentatively came to conclusion yesterday?

GORDY EULER: Gordy Euler, Department of Community Development. You have a draft I hope. If you don't, I have a couple of copies.

STANTON: I think that I need one. Thank you, sir.

MORRIS: I have one.

STANTON: How did you get one?

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MORRIS: (Inaudible)

STANTON: That's my problem.

MORRIS: That's alright, they came late last night.

EULER: And there are a few copies on the back table as well.

MORRIS: Okay, great, thank you.

EULER: The areas that are changed from the draft we went to public hearing on yesterday are underlined and shaded so the idea was to be able to call your attention to them quickly. I hope this worked. Under B – Applicability and Exemptions, I have added under a new E that basically said any activity otherwise regulated under the Clark County code would be exempted and that will take of the shooting range issue and you asked I think, Mr. Lowry, yesterday if there were other things that might fall under this. This will be a catch all.

MORRIS: Alright, thank you.

EULER: He hasn't seen his language, at least I don't think, but we can make sure that it's worded correctly. On page three at the top we modified number five here in section D, which has to do with general standards and provisions for home businesses. So that the new language reads, "Prohibited uses include on-site retail and adult entertainment enterprises as defined in CCC Chapter 5.45." The rest of the language that was there has been struck. We struck number six entirely. This is the provision that had to do with home parcel – home businesses on parcels with accessory dwelling units and we modified the new number six to say, "Heavy equipment and material storage allowed by this chapter," which relates it back to the standards that are here. I believe that clarified what you were getting at yesterday.

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STANTON: We were just trying to get it so it was consist with the matrix, which is what your wording suggests.

EULER: Right, as allowed by this chapter; this chapter being 42.60.100. Under E, Home Businesses–Exempt, three now reads, “Two or more exempt home businesses on the same parcel shall require a Type I or Type II permit if the combined features of each business exceed the exempt standards.” So in other words, we’re adding just because you have two exempt businesses doesn’t mean you need a permit; it’s only if you exceed the standards do you need to.

STANTON: Okay

EULER: There was discussion on page four about standards needed for road maintenance; we still need to add those. Haven’t had time to think through with what needs to go there so that is why that’s still highlighted – that whole section that’s Section F-3 on page four. On page five, under G-2, languages inserted subject to section 40.520.020, we didn’t talk about that yesterday but that is on the list of Commissioner Morris’ parking lot issues. I can explain that now or we can do that later, it is up to you. Section 40.520.020 relates to review and approval criteria. If you look at number four on the list, review and approval criteria were made Type II review process by Title 40 and that’s all well and good except that home businesses as they are in current code require review and approval, which means we would be making a Type I permit subject to a Type II process. So that’s why that little section is in there. We can talk more about this later.

Continuing on with the things we hit upon yesterday, under H at the bottom of page five – changed the date here, although I couldn’t recall from yesterday whether you wanted a 2000 or 2001 date, so the 1995 date is struck and also struck is the phrase – “continue to operate at the level of the business footprint as of January 1, 1995.” Under H, 2-D on page six, the business remains the size it was on the effective date of the ordinance.

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Same way under three – “home business established after January 1,...” then whatever date you choose so they’ll be consistent...so two and three will be consistent. The last thing that was done was to add the number of trips onto the end of the matrix on page eight.

PRIDEMORE: I would like to clarify two things. Gordy, first on page four, paragraph F-3, I’ve asked to have safety spelled out as criteria for the private roads...would like to have that done and then you have this sheet, additional issues for the home business ordinance, in which it appears to me that you are suggesting or responding to my comments about making heavy equipment, auto repair, some of these things conditional uses, which I did put on the table for discussion. However, I was talking about doing it on resource lands, not on residential lands, and it appears on this sheet that you are putting it in for residential.

EULER: What’s on the sheet is just a draft example of how it would appear. You need to tell us where you want it to apply and we’ll make the change. There are two things happening in that table, both of which are on the added list of issues. So per your direction we’ll put it in the appropriate districts.

PRIDEMORE: To clarify my intent, it was in response to the discussion about what happens if you’re, you know, you’ve got heavy equipment on your agricultural lands, but you’re going out and doing something for neighbors, or that sort of thing, and my suggestion was – and rather than trying to find areas in the rural areas to zone for light industrial or heavy industrial, or what have you – that we simply make it a conditional use permit on the resource lands. So that’s what I put on the table for consideration.

STANTON: I somehow thought that that discussion was related to if you had heavy equipment that you wanted to store that was beyond, and auto repair that was beyond, what was allowed through the matrix that another way to exceed that – and I didn’t

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realize it was on resource land alone – one way to exceed it would be to go through the CUP process.

PRIDEMORE: And my intention was to have it just on the resource lands; it was part of the response to that. The consideration was that if we were going to restrict the number of heavy equipment items on someone's rural lands, we have to make something available somewhere –

STANTON: Right

PRIDEMORE: – to take care of them and my suggestion was that consider doing that on resource lands or make that an option on resource lands, not making it an option everywhere. These might still be permitted under the home occupation restrictions.

EULER: That's the way I presented it here was you can have an auto repair, you can have heavy equipment as part of a home business up to whatever limits you set as in the matrix, and then beyond that, without knowing where you wanted it to apply, this is just an example of how it would appear. It would be a conditional use.

MORRIS: It would move from being a home occupation at that point in time to actually being a business use.

EULER: That's correct.

MORRIS: Located on the same place where you live – still located where you live, but it would switch from being a home occupation to actually being a permitted worksite.

EULER: Yes, that's correct and that's the way I just picked rural as an example, but –

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PRIDEMORE: Oh, I see. So your footnote is what's clarifying that as home occupation in –

EULER: Yes, it would be allowed as a home occupation, but if you want to go beyond that it becomes a conditional use.

PRIDEMORE: Okay, this isn't getting to my resource thing at all. I am saying that you could go above the home occupation standards on resource lands as a conditional use. That's what I was putting out there.

MORRIS: I think that that followed a suggestion I had where you just allow heavy equipment storage outright in resource lands as a permitted use in resource lands, and Commissioner Pridemore had suggested that would have to be a conditional use.

STANTON: And that's a different piece of code, really, then what we are dealing with today

MORRIS: Right

PRIDEMORE: Well, it's not. I mean if we are going to put restrictions on the amount of heavy equipment you can have on rural lands –

STANTON: I know.

PRIDEMORE: – we do need to make some sort of provisions for what we do with these things. We can say that yeah, you have to be in a rural center, you have to be in an urban area. We have heard a lot of testimony about the inconvenience of that and you know the need to have these things travel a lot more on our roads then if we make provisions – more provisions available to rural areas.

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STANTON: Yeah

PRIDEMORE: So I was suggesting it as resource lands as a conditional use.

STANTON: I agree. I was just thinking in terms of what we advertised this hearing to be and took public comment on. Does this go beyond it? Because when we're talking about what is allowable on resource lands in this case...

EULER: If you go to page six of the ordinance –

STANTON: Okay.

EULER: – and I am not sure whether the intent was to piggyback on this language. There was already language in what was advertised that a preexisting business, however that's defined, could exceed its established footprint through a CU process. Now I am not sure whether you're suggesting that the ability to store heavy equipment on resource land would be open ended, that it's not restricted to preexisting businesses or not.

PRIDEMORE: I think that's what I am putting out there and I don't know if I mean unrestricted, but something to make additional storage capacity available without having to go through and decide where we zone industrial lands in the rural areas.

EULER: That may exceed the scope of what's been processed to this point.

MORRIS: I think it does, but what we did yesterday...we began to talk about solving the problem of how do you allow for equipment storage in places other than inside urban growth boundaries and that's how we got to the discussion about changing the allowed uses in the different zoning districts. So I think that would be a second hearing we would have to have and it would have to advance in support of the GMA discussion. Another part of that, which would have been a parking lot issue at some point in time, was finding

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more areas inside existing rural centers to allow for auto repair. Because if we talk about a home occupation as a home occupation, it is an occupation; it's something that you do at your home and you make money out of it and then you talk about it. It's not just a home occupation. It has advanced to being a business, then what other circumstances under which that continues. So that's why the alteration to the use tables would be part of a later discussion, but would be tied to what the decisions that we make here. This discussion would have to become a part of the record when we talk about changing those use tables.

EULER: While were on the use table, if I may, the new 1-C and 1-D on that table that shows home occupation – the new home occupation minor, where they're permitted to cross with standards in a home occupation major with RNA, gets us out of this problem as I mentioned earlier in number four.

MORRIS: Oh yeah, okay.

EULER: And so were proposing in the implementation ordinance so that you will see wherever home occupations are listed we're splitting the minor making them permitted subject to whatever standards you have, and the major ones continue to be subject to review and approval. That gets us out of having to amend Title 40, which I don't think we want to do because we made all of review and approval a Type II process. It gets us out of this problem of having to subject to Type I home occupation application to a Type II process, which we don't want to do.

MORRIS: Okay.

EULER: Yeah

MORRIS: You had...there were some inconsistencies – I am sorry, are we through with that part right now? You okay with that, Commissioner Pridemore?



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PRIDEMORE: I am, but I think that is something that we need to consider whether it's part of the GMA process or not, depending on a large part what we end up adopting here, but making provisions for heavy equipment storages.

MORRIS: Okay. We had an email from Matt Lewis, pointing out some inconsistencies. Have you had an opportunity to check if those are right?

EULER: His email is correct.

MORRIS: So those are inconsistencies that would need to be –

EULER: If you choose to look at them as inconsistencies, yes. I think he's correct in that we actually would allow more as a major and urban area then we would allow as minor and rural area, but I think the continuum was that we wanted to open up urban areas a bit more and it looks like were saying that if you go into rural areas you can have less. There seemed to be some logic for doing that at the time. I can't say what my brain was thinking at that point, but we went to a certain point opening it up for urban, then went to a certain point as a base to open it up for major and it looks – Matt's correct when you look at face value, it looks like –

MORRIS: It looks like that.

EULER: Yes.

PRIDEMORE: Where are we talking about?

EULER: The email that Matt sent says that – let's go to the draft ordinance; if we look at –

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MORRIS: Well, he is right though according to the table because if you have – you can have three non-resident employees in the urban area with a major home business with no minimum lot size.

EULER: That's correct.

MORRIS: But in the rural area you can only have two –

EULER: You get to three until you have seven and half acres.

MORRIS: Right.

EULER: Correct.

MORRIS: And that doesn't seem consistent.

EULER: It doesn't. Looking at it by itself if you look at accessory structure, size, and some of the other standards that are in here, we felt that at the time when we put the continuum together it did make sense. I mean, these numbers we just didn't pull out of the air...well, maybe we did.

MORRIS: Well maybe you did. I mean, is there a reason? Does it cause more traffic? Does the issue of employee? Why do we cap employees? What are the values that we use in capping employees? Why?

LOWRY: I frankly think that what happened was –

MORRIS: Okay.

LOWRY: – I remember on the big board –

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EULER: Right, the big board.

LOWRY: – I think what happened is because these are sort of separated – the rural stuff being in the matrix and the urban being in the body of the ordinance – I don't think we focused as much as we should have –

MORRIS: Okay.

LOWRY: – on the consistencies.

MORRIS: On that consistencies issue. Okay.

LOWRY: I think that it is a good comment and you may have had a good idea at the time, but I don't recall what it was either.

STANTON: But you can't justify it now, huh?

EULER: Matt is correct. It does appear the inconsistencies – the way that he characterizes it is accurate.

MORRIS: Okay.

EULER: Same with the trailers, I think, and the equipment is the same situation.

MORRIS: Okay, thank you. So those can become parking lot issues too, or issues that we need to talk about today.

STANTON: Okay.

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MORRIS: Okay, lets go back and see if – lets resolve some of these if we can. On the dates for qualification, page six, at the top of the page – “A home business that was established on or before January 1, of 2000 and 2001.” What is your preference?

PRIDEMORE: 1995.

STANTON: 2001.

MORRIS: 2001.

MORRIS: Okay. D is highlighted – “...the business remains the size it was on the effective date of the ordinance.” What do you want to do with that one?

MORRIS: I am alright with that as it is.

EULER: You made that decision; I just highlighted to show the change.

MORRIS: You just highlighted it. Okay, so we don’t need to rethink that one?

EULER: That’s correct.

MORRIS: Okay. Three – “...a home business that was established after January 1,...? What? Well, it would be 2001.

EULER: That’s correct

MORRIS: Alright.

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LOWRY: And I think that sentence needs to be expanded to include – “...not only business that was established after that date, but also one that subsequent to that date expands beyond the footprint that it had historically.”

MORRIS: I’m sorry, would you say that again please, Mr. Lowry?

LOWRY: Well, you limited two to businesses that –

MORRIS: That has to stay in that footprint.

LOWRY: Right.

MORRIS: Right.

STANTON: So you’re just saying that those that are established after that date we also need to make some kind of statement about the footprint?

LOWRY: Right.

STANTON: Okay.

STANTON: The intent would be to retract back to what it was January 1, 2001.

EULER: I’m not sure what –

MORRIS: Oh, wait a minute (Inaudible)...

STANTON: So, Rich, what you’re doing really is adding to D some wording to 3?

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LOWRY: Well, three is the provision that gives an amnesty period for these businesses to continue to operate, but eventually come back into compliance with standards. If you have a business that qualifies under 2 because it was established pre-2001, but subsequent to 2001 and prior to the effective date of the ordinance, expanded beyond that footprint –

STANTON: Right.

LOWRY: – that business ought to be able to qualify for the same amnesty period as a business that wasn't even established until after 2001. Very technical...

MORRIS: Well, we haven't actually said you have to have an amnesty period in 2. What we have said is that you can continue to operate as you are.

LOWRY: No, right, 2 is grandfathering and 3 is amnesty, but if you have a business that is grandfathered to a certain, but subsequent to 2001 it got bigger, it ought to have the same amnesty period to get back –

MORRIS: Yes.

LOWRY: – to their grandfathered size, as a business was established subsequent to 2001 has to meet the ordinance.

MORRIS: Sure. So, what you are saying is that if you are bigger now than you were in 2001, you have an amnesty period to retract?

LOWRY: Exactly.

MORRIS: Or to get a conditional use permit?

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LOWRY: Or to get a conditional use permit if that language is going to...it's going to stay in 2.

MORRIS: Okay, yeah, alright. So, you would add what words to that then? "In their existing footprint?"

LOWRY: I would simply add – "A home business that was established or expanded after January 1, 2001 may continue to operate under the following conditions..."

MORRIS: Alright. Okay. So a business that is operating now that exceeds the standards has got either one, three, or five years to change or get out, right?

EULER: The number of years you select. I've heard one year suggested, we had three years, five years was the Planning Commission recommendation.

MORRIS: Okay. I guess my preference would be five years.

STANTON: The Planning Commission had divided it into two things: one was a year to let the county know that they intended to comply; that was almost like a notification year where everybody would know that these new standards were in existence, right? The Planning Commission divided it one year plus then five years to come into compliance with the current ordinance?

EULER: Right, and the equivalent to the Planning Commission one year is your number 4 in this same section – "existing home business shall be legally permitted by..." – fill in the blank.

STANTON: Oh, that's where we can fill in the blank.

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EULER: That's where you can fill in the blank, which is the effective date of the ordinance plus so many months or so many years, whatever you want to say.

MORRIS: But that notice, I think, is important in the Planning Commission recommendations because if we don't receive notice from an existing business that was established after January 1, 2001 that they intend to come into compliance, then we would simply shut them down, right? So, it is to everyone's advantage for them to make the decision about whether they intend to come into compliance or not. And it is incumbent on us to try to let as many people know as we possibly can that they have to file that –

EULER: Within so much period of time.

MORRIS: – within a certain amount of time.

EULER: Right.

MORRIS: Right. So –

EULER: The trick here was not to leave it open-ended to say come and tell us...come and get a permit and be legal.

MORRIS: Yes. So, I think we need to have a time slot in there for them to notice us that they are going to do it.

STANTON: Right, which is what the Planning Commission recommended, to give them a year from the date of adoption.

MORRIS: Right.



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EULER: Correct. Yeah, and again number 4 is how we transfer that....

STANTON: So, if we fill in 12 months on that one –

EULER: Or, whatever time period you'd like.

MORRIS: But this does not give notice. This just says by the time period you will have finished. What I am suggesting is that you actually add in 4 an "a" that would be you must give notice to the county within a year, 12 months of the date of the adoption of the date of the ordinance or what your intent is. Do you intend to come into compliance or don't you? Because if you don't, you're just not in compliance and you can't go on.

LOWRY: I think the assumption was that if they are applying for a permit, that is an indication that they are intending to comply.

STANTON: So, just by notifying us...they are getting a permit then at the point. Is that what we are looking at?

EULER: Yes, the way –

STANTON: We will permit them before they are actually in compliance with all the standards, then they have a five-year period – is what we have been talking about...what the Planning Commission talked about?

LOWRY: Right. These are for preexisting businesses, whether they are number 2 or number 3, the Planning Commission recommendation is to treat these as Type I applications with very quick processing and the permit actually says you are approved, here is what you've got to do. Even –

STANTON: Okay, so, when they get cleared.

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LOWRY: – even the number 2 businesses that existed prior to 2000 may have to do some stuff like landscaping or change operations if they are currently constituting a nuisance.

STANTON: Right.

MORRIS: I think we are all saying the same thing except you're making assumptions about their behavior. You're assuming that they're going to come in and get their permit. But either we say they've got a time to come into compliance or they don't, and if you say that's five years then they can just go right on doing whatever they're doing for five years.

EULER: That's why we've put a number 4 that says, "existing businesses shall be legally permitted by..." which means they have gone through the permit process, they have their five one –

MORRIS: I know, but that reads to me as though I've got five years to get –

STANTON: So, we're talking about two different things.

MORRIS: Well, we are talking about two entirely different things here.

STANTON: We need to spell out the different stuff.

EULER: This just says you come in and get your permit. You may have three years to comply, or five years, but you have so much time to get in here and get this permit.

MORRIS: Just humor us on this us, would you?

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EULER: Yes.

MORRIS: Just sort of add an “a” and a “b” that says...thank you.

EULER: Sure.

LOWRY: One other way to deal with that is – this is really the first step for them to come in and make application yet it is at the bottom of the section. It might make sense to combine it with number 1 at the top of the section that defines what existing businesses are and say that to be an existing business you’ve got to come in within a year –

STANTON: Oh, sure.

LOWRY: – to have your application. I mean, that puts them on notice right at the beginning of the section that if they want to take advantage of the existing business allowances, they need to apply within a year.

STANTON: That’s a good idea because then it applies to 2 and 3 as well.

LOWRY: Right.

STANTON: And then when we get down to 4 we can spell out the timeframe, three years, five years, whatever it is that we come up with, that they have to get everything completed so they are in compliance. Okay.

MORRIS: I’ll say “okay” to the idea, but I want to read the words because it makes all the difference in the world in how you read this because, obviously, I’m reading this as a layman would and at least the way it reads to me right now makes me think that I’ve got to get it all done right away or I don’t have to do anything at all until the day, so, alright.

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STANTON: But our intent is to get to a two-step process with the notification within a year of the adoption of the ordinance. Do you agree to that?

MORRIS: Y'all come on in, you get your permit as a Type I, you keep right on going, but you've got to fix up and you've got to fix up by the end of five years.

STANTON: Five years, Okay. So, then, is that six? Is that one plus five? Or is that one plus four?

MORRIS: I'd stick at five, altogether; a total of five.

STANTON: A total of five.

MORRIS: That seems to me enough.

STANTON: Sounds reasonable.

MORRIS: I can make a decision about my life in that time.

STANTON: Okay.

EULER: So, it's one plus four years?

MORRIS: Yeah.

STANTON: Yeah.

LOWRY: Well, not necessarily. If the time period runs from the date of the adoption of the ordinance they would have to come in –

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MORRIS: They have to come in in a year and get a permit –

LOWRY: Right.

MORRIS: – to operate as they are, and that permit is good for another four years.

STANTON: Rich is experienced with us. He doesn't think we are going to finish this.

LOWRY: So, the four years, you're saying, runs from the date of the permit.

MORRIS: I'm going to use Mr. Homala again. Mr. Homala's got a year to come in and get his permit to keep right on doing what he is doing.

EULER: If he started before January 1, 2001, which I don't think was the case.

MORRIS: It says if he started after. After January 1, 2001.

EULER: Then he has until the five year period to come into compliance with –

MORRIS: Or move, yes. So he has to come in and get a permit, which he can get, which he has five years to keep on doing what he is doing. And if he has made adjustments to that at the end of five years, he has to turn people away.

STANTON: To the neighbors that is going to seem like forever. My hope would be on those that are so far out of –

MORRIS: Off, right.

STANTON: – compliance that they would move a lot faster than that.

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LOWRY: Question on the conditional use provision in 2-D, the last sentence in 2-D. Is it the intent of the board that the ability to continue operating or to expand applies only to the pre-2001 business?

MORRIS: Would you say that again?

LOWRY: As it is currently written, the eligibility to expand through a conditional use permit would only apply to the pre-2001 business. That option would not be available to a post-2001 or to a business that started after the adoption of the ordinance.

STANTON: Well, I was after consistency, so I would think if somebody went through...if somebody wanted to expand beyond what this allows if they go through the CUP process that would be allowed for any business.

LOWRY: Then this is in the wrong place.

MORRIS: Why?

STANTON: Well, because it is only applying to those established before January 1, 2001.

MORRIS: Right, but is it in the wrong place or do you just repeat it in 3?

LOWRY: If the board intends to deal with the conditional use process through the use regulations as a part of the comp. plan update maybe we don't need this here at all.

MORRIS: For now, why don't we just repeat the language in both – that's in 2 and repeat it in 3.

LOWRY: Or make it a subsection to itself.

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MORRIS: You could do that.

LOWRY: So, you are suggesting making it –

STANTON: So, in number 5 –

MORRIS: At least for right now because I need to think that through a little bit.

STANTON: – so, you could make it a number 5. Is what you are thinking?

MORRIS: Yes.

EULER: So, if we do that that it will make any business – existing business established prior to the effective date of the ordinance – eligible to expand using a CUP.

MORRIS: If they can get it. If you don't elsewhere have limits on it that would say you can't do it. You can expand under a conditional use permit.

EULER: Okay, any existing business is the proposal? I just want to make sure I'm understanding this.

MORRIS: As of this date.

EULER: As of the effective date of the ordinance?

MORRIS: Right. That doesn't mean that is the case for businesses that start later.

EULER: Okay.

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LOWRY: My recollection that Commissioner Pridemore indicated a desire to have standards in addition to the CU standards for this issue.

PRIDEMORE: That was, of course, brought this thing in here. Obviously, it is no longer my ordinance, so I don't know whether the will of the board is to keep...to put additional requirements. Specifically, my concern was that these businesses expand to such a point that they have a competitive advantage over people who create businesses inside the urban area. I thought that should be a criteria. And it seemed to me I had another one regarding neighbors and I don't recall exactly what that was now, but those were my concerns.

MORRIS: Don't you take care of part of that with the limits on the employees and the outside storage and the storage areas...the accessory buildings?

PRIDEMORE: Well, certainly where this is right now it doesn't provide for that. I mean if you were created before 2001 now it doesn't matter how many employees you have. If you have 90 employees out there you're grandfathered, you're covered. Now, we are talking about whether you can expand what that existing operation is after 2001.

STANTON: Well, now, wait a minute. You're grandfathered, you're covered for five years.

PRIDEMORE: No. Before 2001, as you guys have structured this, whatever you are doing right now you get to keep on doing.

STANTON: Now, wait a second. I was trying to avoid two different standards –

MORRIS: For five years.

PRIDEMORE: No, ma'am.



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STANTON: – so if that’s –

MORRIS: You’d have to come in and –

PRIDEMORE: If you started after 2001 you would have to within five years--by what you have structured here--you would have to come into compliance with the new regulations. If you were before 2001, regardless of the size or nature of the operation, anything, you never have to comply with the new regulations.

STANTON: Well, that’s not what I’m reading.

MORRIS: I don’t read that either.

STANTON: “In accordance with the provisions of this section...”

EULER: That’s correct.

LOWRY: Correct.

STANTON: Is he right?

EULER: Yes.

LOWRY: Um-hmm.

MORRIS: Well, only to the extent you can get a conditional use permit.

LOWRY: No.

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EULER: No. If you – the way you’ve changed this before January 1, 2001, you’re grandfathered. You don’t have to meet the standards. And the way we have set up the three-part system after 2001, before today, you have five years to meet the standards, and if you want to add the CUP process to item number three any business that is existing can exceed the standards with a conditional use permit. That’s the change that you’re proposing to make. So, the effect of that will be –

MORRIS: You will have to get a conditional use permit to do it.

EULER: That’s correct.

MORRIS: Because otherwise they will have to comply which will mean shrink for some of them or get a conditional use permit to even stay the size you are let alone expand.

STANTON: That was my intent. That is what I wanted to get to, but apparently we don’t have the language here.

LOWRY: It is currently written if you’re pre-2001 and you’re not exceeding the footprint and the other standards that would apply – if you’re not exceeding employees, the footprint that existed on the date of adoption of this ordinance you’re grandfathered. And there’s no amnesty period within which you have to shrink.

MORRIS: Right.

LOWRY: It is only those businesses that were established subsequent to 2001 –

MORRIS: But, you can’t get any bigger.

STANTON: No.

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LOWRY: Without it going through a CUP.

MORRIS: Without it going through a conditional use permit. So you can't effectively just continue to grow, and grow, and grow, and grow.

PRIDEMORE: But the intent of this – and it was more significant if you used a 1995 date; a lot of these businesses have expanded since 1995 – my intent with it was to say that if you have expanded since 1995, you can go in for a conditional use permit and perhaps, with those criteria-- those additional CUP criteria for a home business--you could be permitted to be whatever you have expanded since 1995. You could be permitted, but you would have to go through that additional step for the expansion. That was the –

MORRIS: Okay, let's use a couple of examples. Let's use the Matson's. The Matson's were "pre". This says you can continue in perpetuity at what you're doing right now.

LOWRY: Correct.

MORRIS: You can keep right on doing that.

EULER: Regardless...the key issue is regardless of how big you are –

MORRIS: Exactly, you can keep right on doing that, which was Commissioner Pridemore's – that's correct.

MORRIS: But, if you want to do anything more –

EULER: Even though you exceed the standards, now.

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MORRIS: – Matson’s...yes, even though you achieve them now, if you want to do anything more you have to come in for a conditional use permit. Yes.

EULER: That is pre-2001, that’s correct.

MORRIS: Yes.

PRIDEMORE: That wasn’t precisely the intent. The intent was that if, whether it is 2001 or 1995, if you have expanded since then what you have expanded could be considered under a conditional use permit from that grandfather date. So that there was still an opportunity that you’d have to shrink, but you would have to go through that additional step. That’s...and so, if you’re using 2001 it is less significant because there’s going to be less expansion than there would have been since 1995. But, just so that...that was my intention in –

MORRIS: Right.

PRIDEMORE: – saying here is a way you could still continue with your current operation.

MORRIS: Right.

STANTON: That’s why you started using the term “grandfathered” this morning. Because the way I was reading this you did have to meet the provisions of the new code. But you’re saying, no, the way this reads –

EULER: The way we crafted this was pre-1995, now 2001 you did not have to shrink. You needed a CUP if you wanted to expand.

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PRIDEMORE: Yeah, if you already had expanded was the intent. It's not that if you already have a preexisting business you then have a right to a conditional use permit on into the future. It's just that between 1995, what have you, and the date of the adoption of this ordinance, if you have expanded you can put in for a CUP to have that scope of work grandfathered as well.

STANTON: So, it goes – if you are an existing business you can either comply with the new standards or you can apply for a CUP to continue to exceed.

PRIDEMORE: No.

EULER: No.

MORRIS: No. If you were –

STANTON: I thought that was what you were just getting to.

PRIDEMORE: No, what I'm saying – and again, I recognize that this is not where the board has gone here today – but what I have said is if you were in business on January 1, 1995, whatever you were doing on that date you are permanently grandfathered, regardless of the size of it. You never have to comply with any other regulations. Now, if since 1995 and the adoption of this ordinance, these new requirements, you have expanded your business you can apply for a conditional use permit and perhaps be...have that added to your grandfathered rights. However, moving forward from the date of the adoption of this you don't get to do a conditional use permit for an existing business. You can't continue to expand that business.

EULER: That is how we had written this.

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PRIDEMORE: Yeah, and that was the intent behind it originally. It's a less big of a deal if you move the grandfathered date to 2001.

LOWRY: One minor clarification. The existing business exemptions from the standards of the ordinance only applies to the numerical standards. The existing businesses are still subject to the landscaping, the nuisance prohibitions, and those sorts of things.

STANTON: So, they're exempt from the number of employees, square footage –

LOWRY: Number of pieces of equipment.

STANTON: That's not where the Planning Commission went. The Planning Commission had gotten to the point where all existing businesses would comply over a six year period with all of the standards. Isn't that right?

LOWRY: Well, it is but the Planning Commission also rejected the numerical standards.

MORRIS: Right. They had no numerical standards, so –

STANTON: We haven't done that yet. We haven't done the matrix yet.

MORRIS: Well, I guess that those two parts are really integrated for me –

STANTON: They are.

MORRIS: – because just what do I want to do? If a business is in existence today that was in existence prior to 2001 I want them to be able to keep right on doing everything they are doing. If a business was established after the year 2001 I want them to have five years to make a decision about whether or not they are going to be able to come into compliance because that would be their challenge would be to shrink, at least the ones

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that we've seen, they can either come into compliance or they cannot and they have got five years. Now, how they come into compliance, I think Commissioner Pridemore is suggesting the method they would use for coming into compliance, would be a conditional use permit but you don't get a conditional use permit for shrinking. So for some of those it would be a question of you either shrink or you move. And that's the area where I've said you need four years but it is not, and it never has been, my intention that an existing business as of whatever the date was, and I would move it even further forward than 2001--I mean I would move it towards us, you can keep right on doing what you are doing. And, again, it would be a distinction for me between what becomes a home occupation and what is an allowed business in zone. It is...for people in the rural areas those two are the same [TAPE TURNS OVER]...made their living from their land or from use of their equipment those are the same. An occupation and your business are the same. For many other people, as time has passed, those are different kinds of things. Your occupation is what you yourself do. You may register as a business you may make money off of it, it may be your business, your home business, but when it transitions to a larger stage it isn't just a home occupation anymore. It is in fact a business and those are either allowed or not allowed by zone. So how we get from the divergent perspectives that the three of have us is the challenge here...

STANTON: No, I just need some time to work this out –

MORRIS: Yeah.

STANTON: – because I was going down one track understanding one thing and that threw me off, so I've been sitting here thinking the 2001 date and why we would pick that. The justification in my mind would be I think there are a lot of people that didn't know that we had a home occupation ordinance for a lot of years. It became – and I can't remember the exact year that all of this started coming out you mentioned 1999 yesterday and I believe that is when we first started talking about it. I don't remember when we held the open house out in Battle Ground where Ms. Matson came and talked to us and

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that was kind of the first real awakening about impacts on neighbors, but in 2001 there was a lot of media. The Task Force was formed...do you remember, Gordy? When? 2001? Is that when we started that?

EULER: April 2002.

STANTON: Okay.

EULER: The Dollars Corner meeting was January 2002.

STANTON: January 2002.

MORRIS: And at that point in time that's where the real focus – I mean everyone became aware of it at that time.

STANTON: Everybody knew. Right. Right.

MORRIS: It was in 2002.

STANTON: Right. Because I think that the homebuilders association had done quite a bit of outreach at that point in time and everybody knew that this was going on.

EULER: The contractor we hired – Shapiro was hired to work on this in I think about June or July of 2001.

STANTON: Okay. So choosing a January 1, 2001, date would take into account the fact that we didn't do anything really to promote the fact that permits were required to run a home business prior to that. So, I'm just trying to come up with why I would agree with the January 1, 2001, date. That's fine. The other piece of it, the grandfathering,...since my original feeling about home businesses, and it still exists, is I would love to get to the



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point where everything was on performance standards. If we could just get to the point where if you could run a business, I don't care how big it was, and your neighbors didn't even know you were there because you were so considerate and you had all the screening and you counted for the traffic and all of that, I really don't care that you're running a business there. So you're telling me that the numerical standards on the number of employees, the amount of space you use, and all of that won't apply but those performance standards that I was concerned about—the noise, impacts on the neighbors, the dust, all of that will still apply and that's what they need to come into compliance with within the five years, regardless. So we're getting to the performance standards.

LOWRY: Although, the performance standards that are in the ordinance are going to be difficult to enforce.

STANTON: Yeah, I know. You guys have been telling us from the beginning that it's all

—

LOWRY: Part of the intention in this whole process is there have been two inconsistent goals. One is to have a cheap process and one is to have a performance-based rather than to have a numerical process. Those don't work together.

STANTON: I sure would like to have some kind of performance standards that we could get to where it was just a good neighbor kind of a policy that one neighbor is...I mean you get to the neighborhood mediation issue, I guess, when you're trying to impose standards.

PRIDEMORE: But you can scrap...I mean, technically speaking you could scrap this whole ordinance, be totally permissive anything people want to do, and just say we're going to enforce the nuisance ordinance under what you are saying now.

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STANTON: But we don't have a nuisance ordinance that applies to the rural area. Is that correct?

LOWRY: Partially yes, partially, no. There's currently work under way to try to fill in some gaps in the nuisance ordinance as it relates to rural home businesses.

STANTON: Right.

PRIDEMORE: We don't have any nuisance ordinances as it relates to right to farm kinds of activities. You still...but anybody else would still have to comply with noise, dust, odor, now.

STANTON: I don't think we have those standards for the rural area.

LOWRY: My recollection is that the nuisance noise ordinance applies to...expressly to urban –

STANTON: Right.

LOWRY: – residential, but they would still be subject to the state decibel noise limits.

STANTON: But the proposal here in terms of nuisance standards was to take those urban nuisance standards and apply them if there is a home-based business to the rural residential area.

LOWRY: Right.

STANTON: Right. That's what the proposal is. And those standards are the ones that you are saying even if you are a business preexisting right up to 2001 you would still have to meet those, the screening and the noise and the dust and all of those.

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EULER: As this is proposed.

STANTON: As proposed here. That would be my intent to have the happen.

EULER: As Rich said, we have these conflicting goals. We were trying to make it as, in least in our opinion, as easy as possible to come into compliance and the next step of that was to bifurcate existing businesses into those that have been here a long time, those that are more recent and say if you have been here a long time we will make it easy for you to become legal and you're set to go. If you are more recent we'll make you legal; it will cost you \$84 which is the current home business type one permit and we will give you a period of time to comply. And if you're new you've got to comply. I mean, it sounds simple. We also wanted to allow folks that wanted to get larger and provide the opportunity for long-time businesses to be able to expand through the conditional use process and not...again, to sort of tighten the noose, if you will, on new businesses and those that are more recent. Again, with deference to existing businesses that have been a very long time. So, as Rich said, it's hard to keep the fee down and...

STANTON: And try to enforce the nuisance standards.

EULER: Exactly. The enforcement part of this, as we see it, is the weakest piece. And you are correct, if we could do it based solely on a performance standard that would probably...that would be nice. Some landscaping...the ordinance says, "Odors, light and glare, dust, smoke, and vibration won't be detectable to normal sensory perception at the property line."

PRIDEMORE: But would you under this do stormwater analysis, runoff, would you check for set-backs? Would you...

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LOWRY: In an earlier version, the ordinance expressly said that the home occupation permit would be treated as if it were a site plan approval for purposes of applying those ordinances. So it would be subject to the stormwater, wetland...

PRIDEMORE: And that's a very expensive process.

LOWRY: And that's why what came out of the Planning Commission is that this would be treated essentially as a business license. You just come in and you're getting your license. If you're doing construction then other regulations would apply, but this ordinance as recommended by the Planning Commission, wouldn't trigger those ordinances.

STANTON: Right, so, it's only if you are building or you have a build a big parking lot or something like that.

LOWRY: Correct.

STANTON: That would trigger it anyway. Yeah, okay. So, okay, I think I understand the way this leaves us. I have...I woke up this morning thinking about this ordinance and one of the things I would like to ask staff and code enforcement to work together...Gordy and Linda to try to...after we get something finalized here before we do the final adoption I want you to put your heads together and think about what is the worst possible scenario that you can imagine that would be allowed under the new ordinance. And the reason I want you to do that is I think prior boards have made some determinations and the one thing, I guess this stands out in my mind, is the cluster subdivision when they had it applying to resource lands that got used to the extreme and nobody could picture that when they adopted. And I think they made a well-intended adoption of a code. We're making significant changes here in what's allowed in home businesses in what's otherwise a rural residential area and I want to know on behalf of all of those people who will be living next door to those businesses what is the worst thing that you can conceive

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that would be allowed under here? Or several kinds of scenarios so that I know it going into the adoption and people won't turn around to me a year from now or two years now and say, "You adopted that lousy ordinance that allowed this to happen." I don't want to mislead anybody. I mean what we have here is a county that is filling up with new folks coming in the rural areas and they have a certain expectation of what they are going to get in the rural lands. But we also have a lot of us who also want to be able to run our businesses.

LOWRY: Let me...we'll do some brainstorming on worse case scenarios, but one that immediately comes to mind is somebody that has got a rural wrecking yard that just has tons of disabled vehicles and under this proposal that will get grandfathered if they could prove that it commenced prior to 2001.

STANTON: Okay, so it's been there since prior to 2001.

MORRIS: Are there any?

LOWRY: I (inaudible).

STANTON: I know we have rural wrecking yards out there, but...been there for a long time.

MORRIS: Okay, I guess, Commissioner Stanton, that we're not even understanding this in the same vein because I don't intend for this to open up for the worst possible scenario.

STANTON: I just want to know how bad it could get. What is the worst?

MORRIS: Well, it can't get as far I intend any worse than it is right now. That is my point, is that what is there now can continue. So –

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STANTON: Right, but when we adopt these new standards...I mean what is there now a lot of it got there illegally. I mean basically we have a law that says it is not allowed. It went in...now we are recognizing that they are there and we are not saying that they need to go away –

MORRIS: Exactly.

STANTON: – but we are crafting a new law that will make it easier to have a business in the rural areas. And I just want to know so, what is the potential realistically, realistically. I mean, I know you can say everyone of us who lives in the rural lands can go out and start up a business, but I mean realistically, what would be the worst kind of a business that you could allow under this? That's what I'm getting to.

MORRIS: Are you talking about with or without the matrix?

STANTON: Oh, we haven't gotten to the matrix yet.

MORRIS: But it makes a huge difference.

STANTON: Assuming...whatever it is that we get ready to adopt when we finalize it and you go put the words together before I vote on the final adoption I want to know what it is that we could get. That seems reasonable to ask. Okay, so, we're at grandfathering pre-January 1, 2001, understanding that they would not have to meet the numeric standards that we're putting in for future businesses but they would have to meet the performance standards. Okay, we got there. I agree with that. So I think we past...did we get past those two sections then?

MORRIS: I don't know. That was just the grandfathering. What about the amnesty?

STANTON: Yes.

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MORRIS: The amnesty period. Okay, are we through with the amnesty period?

STANTON: Yes. That was number three, right?

MORRIS: Yes, and we agree then that they have to – essentially, however you write it up and you have to tell us within a year if they plan to come into compliance and they have an additional four years beyond that to come into compliance. But if they don't tell us they plan to come into compliance within a year we assume they are not in compliance and don't intend to come into compliance and then they are subject to rigorous code enforcement. Right?

STANTON: Yes.

MORRIS: Okay, two down. Alright, now.

LOWRY: I think the hanging issue still is on CU's are CU's available only for the old pre-existing uses or are they also available to the new pre-existing uses?

MORRIS: Well, I guess to be perfectly honest with you it had not occurred to me that an existing business would be allowed to continue to grow, and grow, and grow, and grow, where it is. I hadn't thought about that one. So I need to think about it because again, for me it is no longer a home occupation. It has become quite different. And I think that when you switch it from being a home occupation than being something different than that then it becomes either an allowed use or not an allowed use in you zoning district. So that's the point in time at which if you have got limits on the amount of heavy equipment storage you need to make available other opportunities for equipment storage and those would be in the resource area through a conditional use permit and you would set up your own standards for how you'd get it. But that takes place in a separate forum than here. So that's – I don't want to shut any one down who's doing what they're doing

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right now, but we have zoning districts and we have purposeful uses of those zoning districts and it seems to me that that is pretty fundamental. Mr. Lowry, I have a question. What was allowed in FX prior to 1995?

LOWRY: 1973 is a critical date. Before 1973 any use was allowed in FX other than uses which were only allowed in heavy industrial.

MORRIS: Right.

LOWRY: In 1973 the board prohibited commercial uses and allowed home occupations but very, very restrictive of what a home occupation was.

MORRIS: In the FX zone; so that was the current law at the time that the comprehensive plan was adopted.

LOWRY: Right now –

MORRIS: Okay.

LOWRY: – but there was one other additional wrinkle when the board took out the commercial uses out of FX they said that preexisting uses, sort of what we are doing, would be conforming uses not non-conforming uses and so up until 1994 those uses were allowed to expand...preexisting uses in the FX zone.

MORRIS: So preexisting uses in the FX zone were allowed to expand up until 1994. So, you could have commercial operations that had predated 1973 that were allowed...that was current law they could expand until 1994.

LOWRY: Right, and there was a special rule, again, allowing that which stayed in the county code until the adoption of the 1994 plan.



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MORRIS: Which was an effort to further loosen the restrictions on home occupations.

LOWRY: Well, it didn't matter whether you were a home occupation. If you had a restaurant that was started in an FX zone without a home on the property that restaurant was treated as a conforming use, could expand up until 1994 no matter what the zoning was in 1994.

MORRIS: Okay.

STANTON: But the point you were making about home businesses and the distinction between a home business and something that –

MORRIS: And a business.

STANTON: – we need to provide for in rural centers and urban areas is that – what I started out this whole discussion with is that it is...that's a secondary use of what is residential property. And maybe there is a way to describe it in the definitions that would make that even clearer. Instead of saying, "means a business in conjunction with a residential use" maybe we talk about it there as being a secondary use.

LOWRY: And that's part of the definition of what a home business is, but to make that a regulatory standard...that is primarily attempted to be done through the numerical standards.

MORRIS: I was only asking the question about what was allowed in 1994 to try to understand what was going on in the board of commissioners' minds when they changed the standards in 1994 because they changed them in January of 1994, a full year before they did the comprehensive plan. So when they even approached the final discussions about the comprehensive plan they already knew what they intended to have as a home

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occupation and they had tried to loosen that because they knew what was there that you could do anyway and if you had a restaurant they weren't shutting you down when they passed the home occupation ordinance because that was still an allowed use, Okay? So in their minds at that particular point in time there were allowed uses that were going on outside of the urban area that they intended to have continue because they couldn't tell them they couldn't in the home occupation ordinance. They did it somewhere else.

LOWRY: Yes, and again, there was this provision that stayed in the code until December of 1994 that said if you were a preexisting, that is pre-1973, FX commercial use you would be treated as a conforming use no matter what your current zone was.

MORRIS: If Mr. Homala had started in 1970 he would have been a preexisting auto repair. In 1994 when the board of county commissioners passed the home occupation ordinance would that have had any affect on Mr. Homala?

LOWRY: No, because...

MORRIS: In fact, Mr. Homala would be allowed to continue to do what he does right now whether he lived there or not and irrespective of the zoning and whether...anything. In fact, he could just keep right on getting bigger, and bigger, and bigger...

LOWRY: Absolutely.

MORRIS: ...under those circumstances. Okay, so that was not their intention to restrict that or to...they did that later and how did they do that? Was that in the allowed uses? Where was that grandfathering done away with?

LOWRY: Well, it was in old chapter 18.411 and there was simply a section in that that had exceptions to zoning rules one of which was for preexisting FX uses.

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MORRIS: And when did that go away?

LOWRY: That went away with the adoption of the 1994 comp. plan and zoning regulations.

MORRIS: So, that was the point at which they ended grandfathering, at least the part where you could continue to expand. Could you continue to operate?

LOWRY: Yes.

MORRIS: You could. But you couldn't continue to expand.

LOWRY: You went from being a conforming use to a non-conforming use.

MORRIS: Okay. And I guess that that's the point I'm still thinking--that there are home occupations and there are businesses and they are different creatures. And in some instances they are so historic and they are so interwoven that I don't want any inter..I just don't want to go do that—disrupt them because they are integrated, they are a part of the fiber, they are a part of the way the universe has unfolded.

STANTON: But we're not talking about changing that now.

MORRIS: You're right.

STANTON: They are still non-conforming uses if they're still operating.

MORRIS: Well, then, let's go to Mr. Matson. Let's go to the Matson's. Under these circumstances, are the Matson's a business or are they a home occupation? And if they are a business, are they allowed or aren't they?

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LOWRY: If they can trace themselves back...most of the county was zoned FX in the 1970's. If they can trace – if an owner can trace the origins of their business back to before 1973 then they are a non-conforming use today, although they were a conforming use no matter what the zoning was until 1994 and could have expanded through 1994.

MORRIS: In 1994 they became a non-conforming legal use and they could only expand through a conditional use permit.

LOWRY: Right, actually, January 1995 is when it became effective. So, yes.

MORRIS: Okay. So, at that point they became a nonconforming use and they could expand. Okay, do we have –

LOWRY: There are provisions in the code...in the non-conforming chapter of the code that under certain circumstances allow expansion of non-conforming uses. So they're...if they're a non-conforming use and not a home occupation there is the potential for getting approval for an expansion under that chapter.

MORRIS: Okay.

LOWRY: I was hearing your remarks, Commissioner Morris, as suggesting that the conditional use option that is currently is in here doesn't belong here. That should be dealt with through...

MORRIS: I don't think it does. I think that you are, irrespective of your – wherever you are that you are...if you are a home occupation up through, I would say 2004, I would say 2004—the date of the adoption, you are grandfathered where you are. That's it. And if you want to expand your business you either must say that you either have to try to get an alteration in the allowed uses in your zone or you can expand...if you're not yet at where you are if we ever do set standards you can go to there, but not that you necessarily

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get to get any bigger. That one has really never been...I just don't want it to interrupt anybody's operations right now. That's where I am. And then we move forward from here from a two-pronged discussion about what are the limits on home occupations from here on out, and do we have sufficient available land outside of urban growth boundaries to meet some of the service needs? I don't think people ought to have to go to a town to get their car fixed, but there aren't a lot of other places where we allow it. We would have to ensure that that is an allowed use somewhere in a zoning district under certain kinds of circumstances and perhaps under certain limits. I think everybody ought to have access to a drug store without having to drive a long ways to get their prescriptions filled. I do that because I've been spending a lot of time driving to the drug store to get my mother's prescriptions filled and I'm glad I don't have to go 15 miles. Those are the kinds of service things that somehow or another I think that you need to have available within driving distances of permitted uses they are not issues of home occupations. They are permitted uses, so in my mind that has always been a difference. If we go through the examples that we had that came from Mr. Lewis which I thought were really, really helpful. The only one that is actually outside of an urban growth boundary is Mr. Polos and he doesn't exceed anything, I mean he is under all of the standards except that he is on a private road. From the examples that we had that Ms. Levanen sent us that were case, by case, by case, by case, by case, I mean there were a few of them that had actually gone to leans and hearings and were extreme cases but most of the rest of them...there wasn't a business there. They were closed or it was...it didn't prove up. So I think we don't have such dire circumstances out there in terms of bad actors as we think we do. And code enforcement under any kinds of circumstances is always a difficult issue. Nobody wants to come – I don't want you to coming to look at my house to see how much of my garage I use to store something if I have a business. I don't want them coming to your house to see where you store your discs that you keep websites on. What difference does it make? So if you just get to the issue of what are the real life problems out there? And it is true what you say about impacts and we started talking about impacts and it's like how do you address the impacts? And if we say that it is the neighbors then we have to talk about standing to file a complaint. What is your standing?

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STANTON: Oh, absolutely.

MORRIS: The Matson's told us that they were complained against by a competitor which you believed to be a legitimate complaint. And I think it is a legitimate complaint if anybody goes out there and starts from now on in blatant violation of the rules, but the Matson's have been there for a long time.

PRIDEMORE: And regardless, nobody's talking about shutting them down, at least between the differences that you and I have.

MORRIS: Right.

PRIDEMORE: I think, Commissioner Stanton, to get where you're going with the impact discussion is where we were a year and a half ago –

STANTON: I know.

PRIDEMORE: – when we had that meeting at the 9-11 and we couldn't do it –

STANTON: We couldn't get there.

PRIDEMORE: – in such a way. So we've got this, I think as I listen to this discussion, it is pretty clear Commissioner Morris is going to vote against it if it goes in one direction. I'm going to vote against it if it goes another. So you're pretty much driving what we put together here.

MORRIS: Wait. I would like for us very much to come up...you are right—you and I are not going to agree on this. We just see it entirely differently. We represent, you know, in our commissioner districts, different sets of issues and while we represent the entire

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community, I mean I think that the impacts are clearly more directed at, as you said earlier, Commissioner Stanton's district and mine. I want to get to something I can vote for.

STANTON: So do I.

MORRIS: I'd really want to get to something I vote for.

PRIDEMORE: I'd like to do that today.

STANTON: So would I.

MORRIS: Well, so would I, but you know what this is the first time that we have had any opportunity to talk –

STANTON: To talk about it.

MORRIS: – among ourselves without...

STANTON: And I have to tell you this is the first...we've had really good deliberations before on issues. This is the first one that, I think, has been one of those where as you hear points of view from the other commissioners...for me it's been really useful in helping to cement where it is that I am. I mean, I heard what the Planning Commission had to say, what the task force had to say, what the citizens who came to testify had to say, my own experiences and then weave it in with our own discussions it's been really, really helpful to me. So I appreciate this.

PRIDEMORE: It has been extremely good, and I disagree with Carol Levanen's letter this morning saying that this board ignored the public comment stuff. I mean, that's what all of our comments—both sides have been focused on. I think we've done all that. I feel

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like now that we're at this point where we are going around and around and we need to just say this is...

STANTON: We are but we're getting there.

PRIDEMORE: Okay.

STANTON: It's just taking a long time to sift through it.

PRIDEMORE: Okay.

STANTON: Because —

PRIDEMORE: As long as we get there.

STANTON: — we're trying to really listen to what you guys are saying. And I would also like to get to something that we can all say that's reasonable, that's what people in the rural part of Clark County should be able to live with, and I think...I am agreeing with you on the conditional use permit. We may have gone too far if we say that if you exceed these standards that we're going to adopt that is what we say is qualifies as what should be expected in the rural part of Clark County as least and in the urban unincorporated that would qualify as a business—a home business where it's a secondary use of a residential property then I don't think we ought to exceed it with a CUP. I think you're right. I'm still...I can't get to the today's date on those that we would grandfather simply because, I think, there are some instances where people knew this was coming, went out to get what they could, and frankly, I think the January 1, 2001, date is defensible. I can't go back to 1995, I'm sorry.

PRIDEMORE: I understand that.



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STANTON: I mean, I understand why you would want to go there but we didn't do a good job of outreach. We didn't let people know. And part of it was explained that we don't collect the license fee like cities can. We don't collect a local B&O like cities can. There was no real reason for us to be doing that kind of outreach and code enforcement only went out there when there was a complaint from a neighbor. And all they could do was say, "This is the current law. It is really restrictive. You can't do this." And I think this has been an extremely good exercise—getting to the point where we say, "Well, what is acceptable today to running a business on the rural piece of property in particular?" And I know we are loosening it up a lot and that's okay.

PRIDEMORE: Well, that's, I think, clearly what all three of us when we initiated this whole discussion was our intent—we're going to loosen up these requirements. The debate that we're having is solely over how much do we loosen it up.

STANTON: Yes.

PRIDEMORE: To me the January 1, 2001, is too permissive and is not protecting the neighbors of these businesses sufficiently. That being the case, I would still prefer that we settle something whether it's 2001 however it goes and if it is a two-one vote it's not the first time we've had a two-one vote.

STANTON: Yeah, well, and I – the impacts to the neighbors has always been an issue and the fact that we are requiring these performances standards be met over a five-year period will mitigate for that, for me.

PRIDEMORE: Okay.

MORRIS: And as I've said I would prefer to go to the 2004 date, but as long as we give people who started up after that an adequate time to make alterations in their business, I will make that compromise.

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STANTON: Okay. Why are you standing close to the exit?

PRIDEMORE: And in the interest in the spirit of compromise I'll go for the 2001 date if we can agree to a three-year amnesty period—not a five year.

MORRIS: No. I don't want you vote that much.

STANTON: But now, on amnesty, since we are grandfathering so many business on amnesty we're only talking about having to meet those other standards, not getting rid of employees –

PRIDEMORE: I'm sorry. I didn't want to get us to a one, one, one, but...

STANTON: We've been there before too, but that's part of what this discussion is. But since all we have that they have to meet are these impacts on neighbors which is the reason that the neighbors came to us in the first place and said, "I don't like having that business there." It's not like they have a great big threshold.

MORRIS: Well, they don't, but again, I'm talking about...Mr. Homala, you should never have appeared because we just are...you and the Matson's...and Commissioner Stanton and I'm going to pick on some in the urban areas pretty soon. I mean, he has employees, he has an existing business, he doesn't just have to meet the standards. He has to go because he will never be able, depending on what we do with the matrix, he will never be able to meet that unless we do away with it altogether, where he is. So because he has got employees and because there isn't a big supply of land and because he has got some financial management to do in his capital assets columns in order to be able move somewhere, I would like to give him the time to do that. And, essentially, what I'm saying it from the time we adopt the ordinance he has five years to relocate which I think is generous. But in the mean time, that also depends on what's available for him to

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relocate to. And he's got employees who have financial issues that they need to deal with. I think most of the businesses that have started since 2001 are not going to find themselves in that circumstance because they are not exceeding what they would be allowed. So, that's the reason why I wouldn't go for the three years is because I think that those kinds of things take time.

STANTON: They take time. On the other hand, would he be telling us within the first year is that no, I won't be complying because I can't comply with these, or I guess, he could make the decision to ramp down and stay in that location.

MORRIS: He could.

STANTON: But, for the neighbors who also came and testified five years is going to seem like a really long time if he is doing nothing to try to mitigate for the impacts because he knows he has five years and then he has to move. Basically saying he's staying in business for five years.

LOWRY: Although, he will be subject to the nuisance and the landscaping requirements.

MORRIS: Right, he does have to do those kinds of things right away. And from what I saw I think that most of those standards have already been met. He's not on a private road and he does have it fenced, so it's the internal part of it that I think, but I don't know it that well. I mean, I haven't been out and looked at it, so I don't know what it is. But he would have to meet those.

STANTON: What about four years? One year plus three years. Isn't that what we've already agreed to?

MORRIS: We said five. One year plus four.

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STANTON: I thought we got back off of the five. We got, yeah, we got into the one plus four, so...

MORRIS: One plus four is five altogether.

EULER: That's what we've got down as the proposal.

MORRIS: Right, one for the notification and four for the compliance or move.

STANTON: Well, I feel for the neighbors, and I don't want to use Mr. Homala or anybody in particular but they did come and testify. He did start up after this was well known –

MORRIS: Right.

STANTON: – out there that this was not a legal [tape goes blank for a moment] really an imposition on the neighbors to say that we're going to let him go for another five years.

MORRIS: How long would you let him go?

STANTON: It never should have started up. It's not legal now and only because we suspended code enforcement's action are they even able to be there today. Personally, what I would like to do is to find a way to cut-off those right now, but we're talking about how long to come into compliance.

LOWRY: You know, the amnesty provision in three, to some degree, was felt necessary because of the 1995 date that was originally put in too. The amnesty provision in three becomes less significant as you move the grandfather provision closer...

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STANTON: Right, there are probably only a handful of cases that are going to fall...that it'll even matter to. You're right.

MORRIS: Not very many. Okay, well, you want to say one for amnesty and three afterwards? I mean, one for file your intent and three afterwards? That's four.

STANTON: Okay, there's a compromise. Commissioner?

MORRIS: Right.

STANTON: Come on.

PRIDEMORE: It's a 3-0. I'll hang together rather than hang separately, but I am...I think we are being extremely –

STANTON: Generous.

PRIDEMORE: – generous and permissive considering where these things got started and I would have that be clear. However, nobody's going to like this ordinance. It is not going to satisfy anybody. In such circumstances I would much prefer that the three of us –

STANTON: Hang together.

PRIDEMORE: – hang together—that we stand together in the final compromise/solution.

MORRIS: Okay, so far, so good.

STANTON: So, Gordy, that changed to a one plus three.

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MORRIS: Don't you all remember that line that there are two things that you never want to watch being made—sausage and laws?

STANTON: Yeah, I thought of that yesterday.

MORRIS: Okay, now, do you want to move at this point in time to the matrix? Do you want to move to standing for complaints? What do you want to do?

STANTON: Oh, let's get the matrix over with.

MORRIS: Alright.

STANTON: Is there anything else between here and there? I mean I think your standing point and the enforcement point is something that we need to deal with before we wrap this up, but we probably ought to move to the matrix.

MORRIS: Okay, would somebody please take a look at the e-mail that we had from the piano teacher? These things impact people and I do want to know how they are going to impact specific businesses. Could you take a look...he left. I was going to give it to him. Will somebody take a look at this and tell me, given what she says about her circumstances what the impact of this new ordinance would be? Would you pass that over to Rich? Thank you. Okay, the matrix. One of the things I would like to see in the matrix is some rational reason for the progression of the numbers because you can have 1250 square feet of accessory structure on a quarter of an acre and on a 30 acre parcel you can only have 3000, so...

EULER: That's 2.5 acres minimum.

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MORRIS: It's under two...greater than two and half? So, then what about – okay, even so at two and half you get 1,250 but at 30 you can have 3,000. What is the progression of the numbers? Why?

EULER: The numbers came from the task force.

MORRIS: But, why?

EULER: Why these particular numbers?

MORRIS: Um-hmm.

EULER: I think the task force attempted to say that the more property you have...the larger the size of your parcel the bigger the building you can have, the more employees, the larger amount of equipment –

MORRIS: But, there was no predictable alignment between the size of the property and the amount you could use because 1,250 square feet is a much larger proportion of two and half acres than 3,000 is of 30 acres.

EULER: That's correct.

MORRIS: So, the Planning Commission's approach to that was to do it by a percentage instead of by an absolute square footage.

EULER: That's correct. Two percent of the use of your property for the use of the business and two percent for your accessory structure was the Planning Commission recommendation.

MORRIS: Okay, so, what's four percent of two and half acres?

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STANTON: So, why is it better to go this way than to choose the percentage method?

EULER: It's not better.

STANTON: Okay.

EULER: The direction that you gave us at the time that we had the work session when we said what numbers do you want to include in the matrix was to put in the task force recommendation.

STANTON: Oh, okay.

EULER: That's why it's here.

STANTON: That's why it's there.

EULER: As I said yesterday, if I had it to do again I would have put all these numbers in...created a blank and put all these numbers in parenthesis and said this is one suggestion and left the blanks for you to fill in.

MORRIS: Okay. So if the Planning Commission said two percent and two percent you get to four percent. So on two and half acres you would get 820 square feet and on five acres you get 2,000? I mean, I don't do this –

EULER: I'm sorry. Say again.

MORRIS: So, is that right?

STANTON: Yeah, we won't trust your math.



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MORRIS: Don't.

STANTON: I'm not doing the math either.

EULER: Again, commissioners, the numbers are negotiated but they are arbitrary. These were numbers that the task force came up with and they said the larger...it could have been 3,000 or 3,500 they could have gone to 1,000 at the lower end. 1,000 is the current home occupation standard to rural areas and so we started at 1,250 and went up from there. So, 3,000 – again, part of our approach when you are looking at this you say that looks small, and that is true. Part of our approach is to start at where we are now and look and see how big it's going to get. I believe that's, from staff perspective, is as a legitimate of a concern as is 3,000 big enough, it may or may not be but right now you get 1,000. So this is three times the size for a rural parcel.

MORRIS: It is?

EULER: And that maybe is irrelevant but in terms of where we are now this is much more liberal.

MORRIS: Right, it's much better. If we were to say you have a 1,000 minimum, which is what you have now –

EULER: 1,000 is maximum.

MORRIS: – Okay, if you had 1,000 as your minimum and you took a percentage of your lot as the maximum, you'd at least have some consistency...

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STANTON: So you're saying if you had a rural one acre lot you would still get 1,000 square feet of that you could use for...what percentage of the lot is that? I'm not going to trust my math. Does anyone know?

MORRIS: How much? Anybody have a calculator? 4.5 percent...1,000 square feet is 2.5 percent of an acre. Is that right?

EULER: Approximately.

MORRIS: Okay.

STANTON: Oh.

MORRIS: So, 1,000 is 2.5 percent.

STANTON: ...as the minimum? Okay and then two percent.

PRIDEMORE: Okay, so what...[new tape—some dialogue missing]

EULER: Yes, the two percent does, if on 30, or 40, or 50, or 60 acres does get sizable, but the Planning Commission thought that was a reasonable standard.

MORRIS: They said two percent for each so that's actually four percent. Is that right?

EULER: Yeah, the two percent would actually be for your accessory building and the – somebody just handed me a calculator.

STANTON: Thank you, Mary.

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EULER: The two percent is also for the size of your activity area and that's...they quantified...that's one way to quantify this. The business activities area the Task Force did not choose to put a limit on because we didn't want to tell people how big...how much of their property they could use. And the reason they put a limit of the building was for enforcement purposes. It's a standard...

MORRIS: So, the Planning Commission put a limit on both the size of the building and the size of the outdoor activity area?

EULER: Not the size of the activity area. Oh, I'm sorry, Planning Commission—that's correct.

MORRIS: Planning Commission did.

EULER: That's correct.

MORRIS: But the —

EULER: Planning Commission just said two percent for each.

MORRIS: Two percent for each?

EULER: So, regardless of your parcel size if you have 20 acres it's so big, if you have 40 acres it's so big. Again, two percent of parcel size from an enforceability standpoint is hard to measure. We don't know what that is unless you spray paint a line on your ground and say this is where I'm going to be.

MORRIS: Well, don't...when they come in for their permit don't they have to tell you how large the parcel is?

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EULER: They do, but we didn't ask them to define how much of it they were going to use for their business outside of their accessory structure and their house. The task force recommendation does not require you say how much of your property you're going to use for your parking or your storage. All they said was you had to landscape it and screen it. Again, that is the recommendation that the task force made. Planning Commission said...I think they wanted to allow bigger accessory structures so instead of saying these numbers they went to a two percent of parcel size, which is Okay, and they went to two percent of parcel size for the rest of your business which is Okay, but the two percent of the parcel size for your business is hard to measure, so that is...

MORRIS: Well, isn't 1,200...isn't 3,000 square feet hard to measure?

STANTON: No, not of an accessory structure.

EULER: It is a 60 by 50 building.

STANTON: But, what you're saying is when the task force adopted this matrix they didn't even deal with how much land you could use outside for business purposes –

EULER: They didn't, that's correct.

STANTON: – as long as it was screened.

EULER: That's correct.

STANTON: I mean...

MORRIS: But they have allowed...they've got allowed by outdoor storage. "Maximum allowable use of accessory structure is 1,250 and allowable outside storage is 500," on here.

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EULER: Correct, and the storage and the equipment and any parking had to be inside a business activity area that has to be screened. That's the approach they took.

MORRIS: But the business activity area is not defined? Because I would have assumed –

EULER: By correct.

MORRIS: –in reading this that the allowable outside storage and the business activity are the same, but they're not.

LOWRY: No, if you look at the definition of home business activity area that includes an addition to outside storage, parking area, areas used for loading and unloading worker and client parking areas and areas for outside storage. So it's only outside storage that there is an actual square foot limit on.

MORRIS: What do you do with the rest of it?

LOWRY: It has to be screened.

MORRIS: I know, but what do you do with it? If you can store on it--what activity is there?

LOWRY: (Inaudible) area, parking area, loading area...

EULER: Your customer parking, your employee parking, all those kinds of things had to be included within that area. And the only limitation on the area is what you can landscape or screen from a neighboring residence.

MORRIS: I see. Okay.

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EULER: Again, the task force said we didn't want to dictate in that area the size of your outside activity area. They chose to say, we'll just say your building should be a certain size and you should be limited here on the way the matrix did on the amount of equipment and what not, so...

MORRIS: So, they're the ones who are going to allow a Dollar Tree on two acres.

PRIDEMORE: (Inaudible) a Dollar Tree but that scale of...

EULER: It would be a small Dollar Tree but it would be...two percent of 20 acres is 17,424 square feet.

STANTON: Holy cow. You did that right, huh?

EULER: So, if you were on a 20 acre you could have a 17, 000 square foot building accessory structure and a 17,424 square feet of business activity area under the Planning Commission proposal.

MORRIS: 17,000 square feet?

EULER: Right, that's about three tenths or four tenths of an acre, approximately.

PRIDEMORE: One thousand square feet per employee.

EULER: For your small Dollar Tree, that's correct.

STANTON: Yeah.

MORRIS: Well, that's big.

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STANTON: Um-hmm.

MORRIS: Okay, so, we probably don't want to go...we probably want to set...what I would like to see is set an outside limit somewhere along the line that is a reasonable outside limit. I don't have any idea what that is, and then somehow or another make a logical progression inside.

STANTON: Yes.

MORRIS: So that you get at least this much but you never get more than that and internal to those extremes it can be an percentage of your parcel size, or that there is some logical progression of the numbers because I still don't think...I mean if you have to go measure a building to see if it complies with this particular number it is no different than measuring a building to fit a number that was derived as a percentage. It is still a number and you measure it. You got width, length, and depth and we are not talking cubic, by the way. I guess that seems to me to be a reasonable approach to it.

PRIDEMORE: I want to apologize about my comments earlier. I was looking at the number of trips per day not the number of employees.

STANTON: So, what's your outside limit? Square feet? 3,000?

MORRIS: Well, I'm out of my element here because I'm thinking my house is 2,700 square feet and if I were to take my house and put it flat, because it's a two story, it would be hardly noticeable on 20 acres. And if it were screened you wouldn't see it at all. So I'm not sure that 3,000, if the issue is impact, I'm not sure that 3,000 is the right limit, but I sure don't think that 17,000 is the right limit either. And I don't have a suggestion for anything in between that you get to for a reasonable...

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STANTON: No, anything else would be arbitrary. I mean, just picking a number.

PRIDEMORE: So this was a compromised solution by the task force with people from both sides that they came to that they can agree to. It seems inappropriate in this case to go further.

MORRIS: Oh, boy! Now, we want to take a task force recommendation. What a switch.

PRIDEMORE: When it's convenient.

STANTON: Well, you know, picking stuff here and there.

MORRIS: Right. Okay.

STANTON: I don't know what the right number is.

MORRIS: Well, let me ask some people in the audience who may.

STANTON: Yeah, that's a good idea.

MORRIS: Okay, Nate you had your hand up and Carol...Carol, how much storage space do you have for the equipment you have? Could you come up and identify yourself for the record? And then Nate, could you do the same? What kind of equipment is in it?

Carol Levanen, 17614 NE 299<sup>th</sup> Street, we have a shop that has two small tractors in it. We don't use it for a business. It is a 30' by 50', I believe and that just brings the vehicles in for storage. So 30' by 50' is, I want to say 1500 square feet just for that small shop building.

MORRIS: And what do you have in it?



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Levanan: We have two farm tractors.

MORRIS: Two farm tractors. Do you have any space left over?

Levanan: Very little. You can walk around the tractors, but around the outside perimeter there is a work bench with a few other types of equipment there, but the farm tractor has a bush hog on it and there are some tires, some special tires for the tractors that are stored next to one of the tractors, but it is real tight.

MORRIS: How big is your parcel?

Levanan: Parcel is...we have 75 acres or whatever. I mean total... right now you can say...I'm just going to say for your purposes, five acres. What comes to mind to me is a horse arena. A horse arena is, oh, my goodness...

MORRIS: But that's an outside activity area. We would be talking the comparable thing here would be what would be the size of the barn.

Levanan: Well, a horse arena is an indoor arena.

STANTON: Yes.

Levanan: Yeah, and my goodness, a simple round pin...I have a 60 diameter round pin. That is a minimum for even exercising a horse. So...oh, my goodness...

MORRIS: And that's round, that's not oval?

Levanan: Yeah, that's just a round pin, but – because I have horses too – but a horse arena, oh, man, I want to say its 200 or 300 feet by 100 or something. You know, they're

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big because they have to have stalls for the horses when it is an indoor arena because most people who have these arenas don't have a lot of acreage and they use the indoor arena.

MORRIS: Okay, thank you. Nate, what do you have? Is there anybody here who knows how much space covered storage space (inaudible) have?

Nate: Do I have to answer that?

MORRIS: If you know.

Nate: I don't remember what he has exactly. I'm not absolutely positive enough to say, I was just up there today, but...

MORRIS: Okay, but for you?

Nate: I'm Nathan with Nate's plumbing. I have two buildings that I brought up at the last meeting that are over 100 years old that I use and both of them are about 24' by 50'. That puts me – and I have eighteen and a half acres and like I said it is kind of ironic to me is that I can park everything I own inside, but according to this I can't because I'm over the allotted amount. So, I have to park something outside.

MORRIS: Well, no, because I get 1,200 square feet. What is 50' by 24'?

Nate: I don't remember. Anyway, we measured it...when we measured it figured it out and I came out to be over the 2,500 square feet. I know that. I came just over that with the buildings I have.

STANTON: So, your issue really isn't the 3,000 square feet. It is the original you can only use up to 1,000 square feet of the accessory structure for the business. It is not the

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size of the total structure that is the issue for you. It is the fact that back here in one of the earlier items we said that you could only use 1,000 square feet of it for the business.

Nate: Correct, but even as it is now at 2,500 square feet...my buildings I don't know, whatever it was but it was just over 2,500 square feet. So technically, I have to park something outside even though I have enough space existing that has been there for over 100 years to park it completely closed, I mean completely out of sight. So, no matter what with my acreage, I'm going to be over this 2,500 square feet no matter what I do because I already have the buildings. The buildings have been there for...you know, it was just kind of ironic to me that according to their recommendations. I run into the same thing about a horse arena. A horse arena...because I looked into one at one time...the one I was looking into was 180' by 120'.

MORRIS: That sounds about right.

STANTON: Sounds right.

Nate: That's 9,600 square feet right there just in the horse arena. That's just to ride your horses.

MORRIS: Okay, thank you, which brings me to a question. If we have in the text said 1000 square feet of an accessory structure, but here in the table we clearly say maximum allowable use of accessory structures—is the intent to limit the size of the accessory structure or the amount of floor space that you can use? Because this contradicts...this says allowable use of accessory structures, so this one would override or contradict the 1,000 square foot maximum.

EULER: I'm not following you.

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LOWRY: I think I am. I think to make sense of the two you would have to say that the 1000 square foot –

EULER: You're in minor.

STANTON: Oh, that's right. That's minor.

LOWRY: That's right.

STANTON: Oh, that one points you to the table. Sorry, I was on minor. This is major.

MORRIS: Oh, Okay, alright. Thanks.

EULER: That's why I wasn't following you.

MORRIS: Okay, and it's only for rural.

EULER: That's correct.

STANTON: So, Nate's point was that he's got 5,000 square feet right now in two buildings about 2400 square feet each.

EULER: If you want the number across on accessory structure size I calculated them if you want to add these to your matrix.

MORRIS: Okay.

EULER: For two and a half acres at two percent would be 2,178 square feet. For five acres would be double that, 4,356. For seven and a half acres—6,534. For ten acres—8,712. For fifteen acres—13,068. And for 20 acres two percent is 17,424. For accessory

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structure use that would be Planning Commission recommendation across in comparison to what the Task Force said.

MORRIS: I don't have any idea how big 17,424 square feet is, especially if you put it on 20 acres. Again, does anybody know covered storage the Rotchey's have?

MEMBER OF THE AUDIENCE: (comments inaudible.)

MORRIS: Not right now, please, if you don't mind. We're trying to see if we can get it in a logic of our own. Mr. Lewis, do you know?

MATT LEWIS: Matt Lewis, Building Industry Association, I'm referring back to this survey that was given to you. It has 49 of our members who operate home businesses responded to it. At the bottom of it—road builders, heavy construction in Yacolt...69 acres. I believe that's the Rotchey's. He has a 9,500 square foot accessory structure and 50,000 square feet of outside storage.

PRIDEMORE: And he went into business when?

MORRIS: In 1900.

Lewis: I think he might be pre-1973.

PRIDEMORE: I think he might too and that is why I would wonder why we are going to use him as the barometer for all future businesses.

MORRIS: We're not. I'm just trying to figure out how much space it takes to store equipment.

Lewis: Do you still have this? Because this is a fairly good guide.

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MORRIS: I'd have to find it.

Lewis: It shows you not too many would exceed 5,000 limit.

STANTON: Most are down below 1,000 even. There's 2,000, 5,000...

MORRIS: Mr. Lewis, I carried that around with me for the longest time and now I can't find the ones that has colors on it. Thank you.

Lewis: Do you want mine?

MORRIS: No, she just leant me hers. Where was your composite number on here? What was the one you just quoted from? Did you find that?

STANTON: (Inaudible.)

MORRIS: Okay, suggestions on how to go from here? Okay, let me throw out...

STANTON: Well, I like your minimum and maximum and maybe it's 1,000 and 5,000. Maybe those are the two outside and we can come up with something in between. Commissioner Pridemore?

PRIDEMORE: I don't think I like the matrix as it is.

LOWRY: One option would be to just take the 2,500 that's the fifteen to twenty acres and move that down to the two and a half to five acres and just increase by 500 feet all the way along which would take you from 25 from the smallest to 5,000 at the largest.

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STANTON: 2500 is...no, I'm not even going to begin to do the math, what percent of a two and a half acre parcel? If we did that.

EULER: Well, 2,178 is two percent of a two and a half acre parcel, so it would be –

STANTON: Oh, Okay. We did that. Thank you.

MORRIS: So, say it again, would you please?

LOWRY: Just start it on the two and a half to five at 2,500 and increase 500 each block. So, 25, 3,000, 35, 4,000, 4,500, and 5,000.

MORRIS: Okay, that'll work. Does that work for you?

STANTON: Yes.

PRIDEMORE: No.

MORRIS: Want to take the chance of trying to do allowable outside storage now?

EULER: Again, if you want to adopt the Planning Commission recommendation of two percent for the business activity area this number goes away.

LOWRY: Remember also, this is only dealing with outside storage. It is not dealing with heavy equipment –

EULER: Parking.

LOWRY: – parking.

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STANTON: So, it's just how much pipe you can pile up and that kind of thing.

EULER: How much sawdust, barkdust, that sort of thing.

MORRIS: So, again you would have another 2500 square feet in the two and a half to five.

EULER: If you wanted to.

MORRIS: Or you could just take two percent.

EULER: You could parallel what Rich just suggested for accessory structure as an option.

STANTON: No, that's not what Rich just suggested. Didn't you just say if we to Okay the Planning Commission two percent for outside business activity in general at two percent of the parcel that this concern about storage independently goes away because it is a part of the activity area. So, you are not going and measuring each one of the...

EULER: Right, your two percent will be the numbers I gave you earlier starting with the 2178 going up to the, for twenty acres, 17,424 square feet.

STANTON: Becomes the activity area.

EULER: Correct.

MORRIS: That's for parking...that is just what you get to use outside for either storage or parking or whatever you want it for.



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EULER: Anything relating to your business that is outside either the accessory structure or your residence.

MORRIS: Okay, and that has to be screened?

STANTON: Yes.

EULER: That's correct.

MORRIS: Sounds alright.

STANTON: Yes, take the two percent activity area.

MORRIS: What were the Planning Commission recommendations on number of vehicles and trailers?

EULER: No limit.

MORRIS: Except for what you can do on the space allowed.

EULER: For the amount of equipment trailers and vehicles—no limit.

MORRIS: But they have to fit in here somewhere.

EULER: That is correct.

MORRIS: So, you can have a lot more small ones and not so many great big ones.

EULER: As long as you can fit them within the two percent.

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MORRIS: Or inside.

EULER: Correct.

MORRIS: That doesn't sound bad to me.

STANTON: We're losing that three-oh vote.

MORRIS: I know we are.

PRIDEMORE: I've lost.

STANTON: I can see it's gone.

MORRIS: Okay, is that alright with you, Commissioner STANTON?

STANTON: Yeah.

MORRIS: Alright, we have no limit on the number of pieces of equipment or trailers or vehicles that are used (*tape goes blank*) they need to be housed either in the accessory structure or on the activity area.

STANTON: Which is screened.

MORRIS: Screened, right. Now, if they get 17 cars of their own for their personal use they've got three members of the family and they each drive a different car everyone Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and every other Tuesday—that's Okay.

PRIDEMORE: Representative Mielke will appreciate that.

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MORRIS: Why? Does he have a lot of cars?

PRIDEMORE: Talks about all his vehicles.

MORRIS: Oh, Okay. But those are private—those are not business.

PRIDEMORE: I understand.

MORRIS: Okay, alright.

PRIDEMORE: So, having no limit on the number of vehicles it would be inappropriate to have a limit on the number of trips permitted since they would be able...whatever number you have in vehicles you would need to be able to presumably move them...

STANTON: Not necessarily so, if you somebody who is driving a different vehicle every day of the week, they are not creating any more trips just because they have more choice of vehicle to drive, so you leave the trips in there.

PRIDEMORE: But if you've got, I don't know how many heavy equipment items you could store on these things, you going to have, you know, employees driving those vehicles to wherever the job site is.

STANTON: But we have a limit on employees too.

PRIDEMORE: Well, you do have that.

MORRIS: Okay, at least for now, I feel okay.

STANTON: I do too until I hear the worse case scenarios.

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MORRIS: And the best case scenarios. But remember that these people have to come in and they have to get permits and we know what's going on, and this is from here on out this isn't what is here now, and these are rural. Now, I don't know, we haven't gone through any of the urban difficulties, but I feel pretty glutted on the rural right now.

STANTON: On the rural the only time that this structure size becomes an issue is when the land gets divided then we are going to be back into the same issues we have with pole barns that are no longer used for agricultural use and what can they be used for after that? So, looking way down the road as the land gets divided and it has a 5,000 square foot building on it that's going to become another one of those difficult things to deal with.

MORRIS: Okay, boy! There's no joy in mudville here today. Now, do you want to talk about the standing for a complaint? What do you need to have – I mean, are you through talking for today? Do you want to quit talking?

EULER: Did we cover number of employees in the matrix?

STANTON: (Inaudible) finish it up. No, we didn't talk about it specifically today. I assumed it was okay.

MORRIS: I assume it was okay. I haven't heard anybody complain about the number of employees so far.

EULER: The Planning Commission recommendation was four for less than ten acres and six for more than ten acres.

MORRIS: Well, that seems simple.

EULER: In comparison to what the Task Force recommended.

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PRIDEMORE: (Inaudible) spreadsheet you would have a number of companies that would not be able to operate. Granted, since we have grandfathered all of them it would just be about the future, but if you're using existing to judge future then the employees are too few.

MORRIS: I think the Planning Commission recommendation was simple and works.

STANTON: And I think that one of the issues that wasn't very clear was that those who have employees who...I'm talking about those who report to work there. If I think we had a heating contractor comment about the employees never come there. They go to the job. We just tell them where to go. We dispatch them. This is...when we count these employees are we counting those who come to the site?

EULER: Come to the job site.

STANTON: That's the impact.

PRIDEMORE: If you're not counting that then, are you saying that the number of trips is however many vehicles? If you have a painting company that has ten or twenty vans that they have parked legitimately on the space here they can have ten to twenty employees who are driving in and out. Because if that is the case, your maximum trip number is not enough.

STANTON: Wait, the employee count if we talk about four...

MORRIS: What he is saying is if you have ten employees then you need to have more than twelve trips. You need to allow more than twelve trips.

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PRIDEMORE: Well, these are round-trip trips. So, you wouldn't need more than twelve for ten, but at some point you would bump up against that presumably.

MORRIS: Well, but we're talking...okay. They said what? Four and six?

EULER: Four employees for parcel size less than ten acres and six for partial size equal to or greater than ten acres.

MORRIS: I still think that sounds simple. We're talking about new home occupations. We're not talking about new businesses. We're talking about new home occupations. We're talking about new ones. We're not talking about old ones.

STANTON: Right, and we're talking about employees who are on the premises or report to the premises and generate trips.

MORRIS: And six is plenty.

STANTON: For a home business.

MORRIS: Occupation, you're darn right, that's plenty.

EULER: I didn't get a recommendation for the number of trips which is the column we added.

STANTON: You added those numbers based on...

EULER: That's what we've always had. It was left off this table.

STANTON: That's right.

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MORRIS: Well, given the fact that they are going to come in for a type two permit for this and we're going to want some evidence about traffic in order to meet the requirements of a type two at some point, I think this is okay. I mean if you've got four employees it may be simpler to do the trips tied to the employees rather than trips tied to the size of land but that also includes deliveries, so you're going to have delivery trips to the site.

STANTON: Okay, so these numbers are okay for trips?

MORRIS: I think they are. I have less sense of the trips than anything else in terms of size or relationship or impact. Those are just the things I have the least...

STANTON: Did you want to deal with these questions from the piano teacher and see how that affected what we are deciding?

MORRIS: Yes. Now, she says...this reads no more than six customers per day. How many trips does she have? How many students does she have? Does it say in her e-mail? I gave it to somebody else. I don't have it now.

LOWRY: I think she simply, as I recall, said she couldn't have more than six without having to get a...

EULER: Type two permit.

MORRIS: We don't know how many she has now? And we don't know how long she has been in operation?

EULER: She doesn't say.

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MORRIS: So, she started teaching before 2001, which it sounds like she did just to have developed the kind of business she says she home schooled her children, so she probably grandfathered in before 2001.

EULER: Her first comment is that she would not be allowed to have two businesses.

MORRIS: And that is not correct but she couldn't have more than six customers per day and that is correct.

EULER: That is correct.

MORRIS: If she started teaching lessons since before 2001 she would be grandfathered in at whatever she is now; whatever she is doing now she could continue to do.

EULER: Yes, as you've changed this.

MORRIS: Okay, and it is true that a neighbor can have loud music until 10:00...but that is true. She can't teach piano lessons or make noise...

EULER: The issue is a different standard for residential use versus commercial use. That's...we do have...say that we have zoning (*tape goes blank*)

MORRIS: ...and that may be more of a perceived imposition than a real one, I mean, depending on what she...

EULER: Yeah, the WAC's still apply to all uses and require that you lower your decibel level at 10:00 p.m.



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MORRIS: I think what she is talking about though...she mentions in there rehearsals for a performance and she says she couldn't have her rehearsals go beyond such & such a time.

STANTON: 8:00 because we've said a business operating hours are 7:00 until 8:00.

EULER: Yeah, 7:00 a.m. until 8:00 p.m.

MORRIS: 8:00 p.m., okay. And I think that we would make exceptions for emergencies to fix somebody's water heater. I mean if you needed to leave your premises to take care of emergency business you could do that.

STANTON: Well, it is just the on-site businesses that it was talking about the operating hours anyway. It says specifically "on-site businesses". So the man who came and talked about the emergency plumbing would be doing work other than in an on-site business.

PRIDEMORE: And, as we've heard, we're never going to have staff who can afford to sit at a place all day long and county trips day after day to find out whether or there has been a violation.

STANTON: It is still going to be complaint driven, that's right.

PRIDEMORE: And, so, a neighbor says, you know, they have ten customers a day and a business says we only have six, I mean...

MORRIS: And the issue of the 500 square feet in stores and 3,000 square feet of her house...

STANTON: We already said we are not going to be checking on that.

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MORRIS: What is the price for a type one?

EULER: For home businesses it is currently \$84, so we are right in her ballpark of...

MORRIS: And we haven't talked about the price of any of this, but you know as it moves forward...Okay...so far it looks to me like she is not going to have to shut down her students, okay, or her publishing. Now, what do we have left? What do we have left from you all? I have some other things left I would like to talk about.

LOWRY: One issue was the standard on a private road and just some suggested language, "minor home businesses on a private road shall be reviewed using a type two process..." and then add, "to ensure that safety and maintenance impacts are adequately mitigated..." and then continue with the sentence. So the standard would be adequate mitigation of safety and maintenance impacts.

STANTON: Sounds good.

MORRIS: That sounds alright. I need to read it written down, but it sounds alright. And the...Mr. Lewis had a question which I think we have answered before about does a type two trigger all other regulatory ordinances, and it does not, right, unless you are getting a building permit? You can get your home occupation permit but when you go to build your accessory structure or to pave your outside storage outside activity, that's when it does.

LOWRY: Or grading.

MORRIS: Or grading, but it doesn't just because you get this.

LOWRY: Not as this is currently written.

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MORRIS: But even if you weren't having a home occupation and you were just going to go build a big parking lot on your twenty acres you'd have to get a grading permit, right? So, that's irrespective of this.

EULER: Correct.

MORRIS: So, everyone is treated squarely there.

EULER: Yes, this is just purely for the use of the home for a business.

MORRIS: Okay. The sign, something said something that made really good sense to me about not being able to see a two by two sign, and it seems to me that, you know, a familiar size sign to us is the two by three. Seems like that is a reasonable...I don't know if it helps much.

STANTON: Actually, it's working fine the way it is right now which is two square feet, isn't it?

EULER: Correct, that's the current standard.

MORRIS: But we aren't enforcing it. I don't think you can see it. Maybe you can't see two by three either it's just that we count on people to see two by threes, from our experience. You okay with...you still fine with...

STANTON: I'm fine with the sign.

MORRIS: Alright, I think it could be bigger, but I'll go here.

STANTON: Gordy, did we catch everything on your list of still to give you direction on?

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EULER: One of the questions that came up last and this morning was the nuisance ordinance. Do you want to have a conversation about that?

STANTON: I guess we better.

MORRIS: Well, I need to clarify something because I've been adamantly denying that we are doing any work on the nuisance ordinance, but apparently at a work session in late March where we talked about this issue the nuisance ordinance was something that the board did say they wanted to take a look at but not in this forum. I don't know what the alarm is over that. It wouldn't be intended to be used in conjunction with this. It is an entirely separate ordinance, and it applies to ordinary people just the same as it does to people with a home occupation. We will be having discussion about those, but we don't have anything to talk about right now, do we? Other than it's in discussion. And I apologize for my own confusion for whether we were dealing with that. Wait a minute—this is not the place to raise red flags if that is what you were going to do. Okay, because we've.

EULER: ...just that (*tape goes blank*) neither have I. It's just that under I, 1, which is on page six we say, "home-based businesses shall comply with all state and county regulations governing nuisance effects including chapter 9.24." My understanding from code enforcement is we don't have a lot of enforcement mechanisms to address 1, b, which is odors, light, lighting glare, dust, smoke and vibration. Where we say the standard is shall not be detectable to normal sensory perception at the property line. My question was, "what does that mea?" (*Turn tape over.*) And if we are relying on nuisance as a primary enforcement tool, which every indication is that's what we should be looking at, the question what does that enforcement look like? That's the question I've had and I haven't been in on all of the discussions.

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MORRIS: Why are we looking at nuisance as the primary enforcement tool rather than at the state standards for dust and any other standards that we have for noise and traffic and visual screening? Why are we depending on nuisance?

EULER: Help.

LINDA MOORHEAD: Linda Moorehead, code enforcement, our current nuisance ordinance...well, if we don't rely on nuisance ordinance we rely on the WAC code. The WAC code for noise is one hour minimum study, a dosimeter study. And you can do one at a time. We have one dosimeter. If we include noise standards in our nuisance ordinance there are none in the nuisance ordinance. There is a noise ordinance which doesn't apply to the rural area. We could amend our nuisance ordinance to cross reference with that noise ordinance and that is a problem with the Sheriff's office as well and they are considering amending that noise ordinance to include rural areas at this time. The rural area nuisance ordinance is more...is not as restrictive in the rural area as it is in the urban area as far as junk and debris and vehicle parts and automotive parts lying around the property as well.

STANTON: So, the proposal for this was to apply then the nuisance standards to properties where there are home-based businesses, right?

MOOREHEAD: All properties.

STANTON: Well, what brought us to that discussion today is the fact that this proposed ordinance had it apply...

LOWRY: Right, I think there are a couple of things going around. There is momentum from the Sheriff's office to try to get the board to consider broadening particularly the noise nuisance ordinance.

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MORRIS: They've been trying to do that for a long time. That's not new.

LOWRY: Totally separate from that, as a part of developing this ordinance, staff had discussions about how, particularly for the larger rural businesses we don't have good nuisance regulations, and so one of the things that was discussed modifying the nuisance ordinance in the rural area solely as it applies to application to home businesses. And I think that's the discussion that Gordy is raising. Do we want to do that in conjunction with this ordinance or so it separately...or consider it separately?

MORRIS: I guess I wouldn't want to consider it singularly as a part of home occupation ordinance. If it is a nuisance it's a nuisance and it doesn't matter whether it's coming from a half million dollar house a two and a half acre parcel or it's coming from a home occupation on a twenty acre parcel; it's a nuisance. So, the nuisance ordinance ought to be something that says this is a nuisance no matter where it happens or who is doing it, it is still a nuisance. So, it doesn't seem to me to be something that you use as a particular tool as enforcement for the home occupation ordinance; it's just an ordinance.

PRIDEMORE: But you're saying it is not currently applied in the rural area.

MOOREHEAD: There are a lot of areas in the nuisance ordinance that do not apply to the rural area.

PRIDEMORE: So, whether it's home occupation or whether it is a regular home right now...

MOOREHEAD: It doesn't apply.

PRIDEMORE: ...a lot of those apply.

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STANTON: But, in this case we are talking about allowing a more intensive use on residential property, and to me this whole thing is hinged on impacts to neighbors and being a good neighbor. One way that you can get there is to apply the nuisance ordinance to residences in the rural area that have home businesses. I agree with you. I would like to deal with the nuisance ordinance because, like I have said, the number of people that the many businesses up and down my street do not bother me as much as my neighbor's grandchild who comes and rides a dirt bike all the times on the weekends. I mean, it is one way to get at the impacts to the neighbors which is the issue that brought this whole thing to the forefront, anyway. It seems reasonable to me to say that if you're a business you're not going to exceed the state noise standards and you're not going to have offensive odors, lighting glare, dust, smoke, and vibration that impacts your neighbors; can't go beyond your property line.

EULER: And that language is here, but we also reference chapter 9.24 which is the county's nuisance standards and code enforcement is saying in some situations that is not enough. We're not going to be able to take any action based on...

MORRIS: But the modification as it advances would not have a singular part of it that points out home business. The nuisance is as separate as anything else.

EULER: Your direction to us was to look at the nuisance ordinance as it would apply to home businesses. We weren't planning on making any changes, at least I don't think we were cart blanche. We were only going to see how it would apply to a home business. It doesn't make sense in some aspects because if we're going to be particularly harder on home businesses what about the person who lives next door to one—they would be exempt from whatever additions we would make only for home businesses. But, you asked us to take a look at that, nevertheless, and we're not there yet. That's one thing as an enforcement mechanism which we heard loud and clear that this needs to be enforceable that we are not quite ready yet. You could adopt this...deal with that on a separate track, but it's a place that is not finished which is why we brought it up.

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MORRIS: Thank you. Okay, so the nuisance ordinance will proceed on a separate track but as amendments to the nuisance ordinance. Anything else? For right now?

STANTON: I don't think so.

MORRIS: Commissioner Stanton, you were interested in what is the worst case scenario in terms of what we might allow here. I guess I would also like to know what is the worst case scenario in terms of what's going to happen for those businesses that were started after 2001, between then and now. I mean, frankly, I don't think there is going to be very much. I don't think there are going to be very many businesses that are going to be affected by it, but it would be good for us to know what we are doing.

STANTON: Good point.

MORRIS: Just to clarify, you will add language at some place about the vehicles and heavy equipment that as a part of the home business is required to be kept on either the activity area or in the accessory dwelling unit because that is what we assumed when we did away with the limits.

EULER: The language is there.

MORRIS: Is it there already?

EULER: Yes, it is on page three, it is the new number six under General Standards and Provisions, D-6, says, "heavy equipment and material storage allowed by this chapter must be kept only in activity areas or in accessory structures."

MORRIS: Okay, great.



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EULER: So, the language is there.

MORRIS: Okay, thank you. Okay, we have talked through all of the issues in front of us. I think I have got a pretty good idea of where we are. I'm okay with this if the words come out on a page the way I think they are going to come out, I'm okay. I will vote for it. Commissioner Stanton, will you?

STANTON: Yeah, I'm okay with it as long as I don't find that there is some fatal flaw here that creates a monster that we didn't anticipate. It is always those unanticipated consequences of a decision that have me concerned and that's what I want to get to. I think we have reasonable use of residential land for the purpose of running a business without being too intrusive in a residential neighborhood. That's what I was after.

MORRIS: And also resource land because this is for both. Okay, looks like we're alright. I think that once people get copies of this, I don't know if we'll open public testimony or not, but once we have it written and people can actually read it you're welcome to send written comments or e-mails on it. I would ask people to be very, very specific in the comments about it about application to a future home business and please remember that everything we are talking about here is a future home business. It is not a future business. That is in my mind two entirely different creatures, and the only existing businesses that will be affected by that are those who...were created after January 1, 2001, and they will have in total four years to either come into compliance or relocate. I would just like to ask people to be very specific in comments about what would happen from here on out because with the exception of very, very few existing businesses they are not going to be affected by this. So, it is often the tendency to think retrospectively and that this is going to keep what has been happening from happening. It will keep it from happening again with somebody else, but it won't keep it from happening for the person who is doing it now with the exception of those few businesses that were created after January 1, 2001. So, it is prospective. It is not retrospective. It feels like, maybe, we are at conclusion on this.

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LOWRY: I think I would recommend, because there is some substantial redrafting to be done and to give people adequate opportunity if you are leaving the record open for written comments that you direct staff to have a draft out within ten days and then have some period of time for people to review it and then continue this matter for probably three weeks; if we are really going to do this right.

MORRIS: Can we move it any faster than that?

LOWRY: Two weeks and then we'll try to get a redraft out within one week and then there will be another week for...

MORRIS: I mean, Mr. Euler turned this one around for us in 14 hours it seems to me that 24 ought to be...

EULER: This one will take a little bit longer, but we'll –

MORRIS: A little longer but...

EULER: – we will give it a try. We also need to draft the implementation ordinance so you can see what the amendments to the other sections...the bed home occupations will look like. So, after lunch? No, I'm just...we'll get it to you as soon as we can.

MORRIS: Okay, thank you. I know you will. And I want to particularly thank you for the form, the visual form, that the last one came to us in because that's just the format that reads so easily where you know what's going out and you know what's going in, and to the extent that you can do that without those little balloons out at the side...

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EULER: Which I don't like either, and I will try to make it so it will call your attention to things we changed and so you're not reading over things you've already seen. We'll try to do that again.

MORRIS: Okay, thank you. Okay, and then after the time that you get it out we will allow an additional two weeks for written comment. Does that sound alright? I mean, I just as soon get it over with. That ought to be enough. If you have an e-mail address and you would like to have an electronic copy of this sent to you please make sure that you leave your e-mail address with us and that makes it easier for you to get to. It will also be posted on the web site, and with that and no further business to come before us.

LOWRY: You need to continue this to a time certain since we're keeping the record open and you may want to deliberate further.

MORRIS: Thank you. Louise, you have a date?

STANTON: Three week, is that what you're looking at?

MORRIS: Well, we will be gone in three weeks.

LOUISE RICHARDS: Louise Richards, (Inaudible.)

MORRIS: And that day is? The 15<sup>th</sup>.

EULER: 13 days.

PRIDEMORE: Is it a large appeal because I don't see a whole lot unless we are going to go back to the beginning again, I just don't see this issue being...

MORRIS: I don't think it will take that long.

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LOWRY: You could continue it to consent in two weeks and then if you want more time you can pull it off.

MORRIS: ...pull it off consent, alright.

STANTON: Okay.

MORRIS: Let me explain to people what consent is. Consent is an agenda that we pass in a batch file almost. There can be one and fourteen items on it. We don't take individual testimony on the individual consent agenda items, but if there is sufficient question we pull it off of the consent agenda and consider it separately, so that is a possibility. But at least we get it on our calendar. We have it in front of us. Everybody had a deadline to work toward.

STANTON: So, we aren't really continuing the hearing if we're taking it to consent.

LOWRY: I think you are. You are continuing the hearing to consent at which time you'll decide whether or not you need to go back into deliberations or even open the public hearing.

STANTON: Oh, okay.

MORRIS: Alright, thank you.

PRIDEMORE: We normally do that following a formal action on the board to approve something with the recognition that it will come forward for final approval under consent. Is that something we should do today?

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LOWRY: The only reason I'm suggesting that you continue rather than just say it will go on consent when it is ready is because the board indicated that you're keeping record open and if you want to potentially consider reconsideration...

PRIDEMORE: I think either we need to take a vote today on this, at least in terms of the direction given to staff, or we need to continue to a date certain for a final formal action separate from consent.

MORRIS: Well, let's continue the hearing but make it clear that it is our intent to adopt the ordinance on that day if it in writing turns out to be the way it is in our minds. That's two weeks from yesterday? The 15<sup>th</sup>?

STANTON: Is that giving people enough time to comment? Do you think you can get this out by the end of this week?

MORRIS: If it is three weeks, you and I are gone.

PRIDEMORE: Okay, I'll take care of it.

MORRIS: You can't get a majority vote!

STANTON: I would MOVE that we continue this hearing until June 15<sup>th</sup> at 10:00 a.m. for final consideration.

PRIDEMORE: SECOND.

MORRIS: Moved and seconded to continue this hearing until June 15<sup>th</sup> at 10:00 a.m. for final consideration of a home occupation ordinance. All those in favor say aye.

PRIDEMORE: Aye.

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STANTON: Aye.

MORRIS: Aye. Motion carries.

STANTON: Okay, we're adjourned.

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BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/  
Betty Sue Morris, Chair

Judie Stanton/s/  
Judie Stanton, Commissioner

Craig A. Pridemore, Commissioner

ATTEST:

Louise Richards/s/  
Clerk of the Board

jm/rt/jc

(Tapes 103 & 104)